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Attorney in pro se and as Counsel for the Plaintiffs upon approval of Pro Hac Vice Admission

EVELYN ADAMS, Plaintiff
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In Pro Se, Pending Mr. Berg's Pro Hac Vice Admission

LISA OSTELLA, and GO EXCEL GLOBAL, Plaintiffs
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In Pro Se, Pending Mr. Berg's Pro Hac Vice Admission

LISA LIBERI, Plaintiff
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In Pro Se, Pending Mr. Berg's Pro Hac Vice Admission

U.S. DISTRICT COURT, NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

_____

LISA LIBERI, et al, Plaintiffs, vs. LINDA SUE BELCHER, et al, Defendants.	CIVIL ACTION Case No. 2:11-cv-00090-J Honorable Mary Lou Robinson

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Liberi, et al Plaintiffs Resp. in Opp to Def. Edgar Hale's MSP

PLAINTIFF'S RESPONSE IN OPPOSITION
TO DEFENDANT EDGAR HALE'S MOTION FOR SUBPOENA POWER

TO THE HONORABLE COURT:

Plaintiffs Philip J. Berg, Esquire, in pro se and as Counsel for the Plaintiffs upon *Pro Hac Vice* Admission, and Plaintiffs Evelyn Adams, Lisa Liberi, Lisa Ostella, Go Excel Global and the Law Offices of Philip J. Berg ["Plaintiffs"] and files the within Response in Opposition to Defendant Edgar Hale's [hereinafter at times "Defendant" or "Hale"] Motion for Subpoena Power ["MSP"]. In support hereof, Plaintiffs aver as follows:

1.   Defendant's Motion for Subpoena Power is improper and not in compliance with the Federal Rules of Civil Procedure 7(a)(B); and this Court's Local Rules 7.1(a); 7.1(b); 7.1(d); and 7.2 and therefore, should be Stricken.

2.   Defendant Edgar Hale has already abused the use of a Subpoena by attempting to obtain the telephone records of Plaintiff Liberi, without any notification to Plaintiff Lisa Liberi, any of the Plaintiffs and/or Philip J. Berg, Esquire. Moreover, Defendant Edgar Hale attempted to use the Court and the Subpoena process to obtain records which he is **not** entitled to; that have **no** bearing on this case; and **no** bearing on any of the Defendants defenses; and have nothing to do with the litigation herein.

3.   As a result thereof, Plaintiffs filed a Motion for a Protective Order. *See* Docket No. 186 filed August 16, 2011. In turn, Defendant Edgar Hale is now attempting to obtain an Order from this Court to over-ride the Plaintiffs legal rights and protections to obtain records of the Plaintiffs in which he is **not** legally entitled.

4.   Defendant Edgar Hale bragged on his radio show of August 16, 2011, that if this Court grants him subpoena power, which is improper, that he will be seeking Plaintiff Lisa Liberi's records and records which he feels pertain to a case out of Wellington, Texas, that was Dismissed with Prejudice.

WHEREFORE, for the reasons outlined herein and in Plaintiffs Memorandum of Points and Authorities (Brief), Plaintiffs respectfully Request this Court to Deny Defendant Edgar Hales Motion to Issue Subpoenas ["Subpoena Power"].

Respectfully submitted,

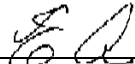Dated: August 31, 2011   /s/ Philip J. Berg
                                 PHILIP J. BERG, ESQUIRE
                                 555 Andorra Glen Court, Suite 12
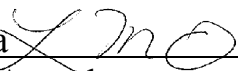   Lafayette Hill, PA 19444-2531
                                 Identification No. 09867
                                 (610) 825-3134

                                 Attorney in pro se and as Counsel for the Plaintiffs upon approval of Pro Hac Vice Admission

Liberi, et al Plaintiffs Resp. in Opp to Def. Edgar Hale's MSP

The Following Plaintiffs in Pro Se pending Mr. Berg's *Pro Hac Vice* Admission, join in this Opposition to Defendant Edgar Hale's Motion for Subpoena Power; and have given full permission for their electronic signature to be input on the within documents. Further, Mr. Berg maintains in his office, the originally signed copies by each of the following Plaintiffs:

Dated: September 1, 2011   /s/ Evelyn Adams _____
                                    EVELYN ADAMS, Plaintiff

Dated: September 1, 2011   /s/ Lisa Ostella _____
                                    LISA OSTELLA, and
                                    GO EXCEL GLOBAL, Plaintiffs

Dated: September 1, 2011   /s/ Lisa Liberi _____
                                    LISA LIBERI, Plaintiff